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10/763,426	01/23/2004	Shelly Lenna Bauerly	Bauerly 00100	6800
66842	7590	01/10/2008	EXAMINER	
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			ART UNIT	PAPER NUMBER
			3632	
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/763,426

**Applicant(s)**

BAUERLY, SHELLY LENNA

**Examiner**

Tan Le

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-32,35-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 5-9,19,20,29-32,35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10-18,22-25,27,28,37-39 and 41 is/are rejected.
- 7) ☒ Claim(s) 21 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's reply filed 10/11/07 is acknowledged. Claims 1-2, 4-32, 35-39 and 41 are currently pending. Claims 3, 33-34 and 40 had been canceled. Claims 5-9, 19-20, 29-32 and 35-36 had been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4, 10-11, 13-18 and 22-25, 37-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 2,253,998 to Lurie et al. in view of JP 10-113275 to Omura.

As to claims 1 and 22, Lurie et al teaches hanger device for hanging handbags, purses or the like (Figs. 1-4) from a horizontal surface, comprising a rigid interface member defining a planar interface area (12); a rigid arm with a proximal segment terminating at proximal end 19, a distal segment 20, 21, 22, 23, 15) terminating at distal end 21, 22, 23, 15, a centrally extension ( a bend or curve between 13 and 20) disposed between proximal segment and a distal segment. wherein the proximal end is coupled with the rigid interface member, the proximal end being in a orientation substantially parallel to the planar interface area and curving into the central extension, and wherein the central extension curves into the distal segment which extends vertically downward (20) from the central extension when the distal end is positioned vertically beneath the planar interface area. Note that the distal end in this case, the examiner considers as

segment (21, 22, 23, 15 upon which a handbag, purse or the like can be supported or secured).

The Lurie device differs from claim 1 of the present invention in that it is not provided with a flexible member with a first end coupled to the distal end (at the v-shaped) of the rigid arm, and a second end coupled to a purse engagement member.

Omura teaches the concept of such, Omura teaches the hanger device with a flexible member (6) having a first end coupled to the distal end of the rigid arm (3) and a second end coupled to a purse engagement member (8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a flexible member with a first end coupled to the distal end of the rigid arm and a second end coupled to a purse engagement member as in Omura on the hook of Lurie in order to allow a user to hang the type of the purse where there is no full top closure of the interior of the purse and to provide a configuration which to be easily opened/closed and/or attached/detached (Omura, abstract).

As to claim 2, Lurie as modified also teaches the distal end of the rigid arm being oriented vertically beneath the geometric center of said planar interface area.

As to claim 4, Lurie et al. as modified also teaches the rigid arm being swivelably coupled (5) with the rigid interface member.

Continuing to claims 10-11 and 38, Lurie et al as modified also teaches the rigid arm comprising a horizontal extension (13) (Fig. 2), which is parallel with the planar interface area; and the rigid arm having a vertical extension (20) that is substantially perpendicular to said horizontal extension.

As to claim 13, Lurie et al as modified also teaches first end of the flexible member (6, Omura) being coupled to the distal end of the rigid arm by a swivel joint (7). Note that the examiner considers the ring 7 of Omura is a swivel joint since the ring 7 of Omura is capable of turning or pivoting allowing the flexible member and thus the handbag/purse to turn around in a horizontal plane.

As to claim 14, Lurie et al as modified also teaches the second end of the flexible member being coupled to the purse engagement member by a swivel joint (Omura, 9). The examiner also considers the ring 9 of Omura is a swivel joint since the ring 9 of Omura is capable of turning or pivoting allowing the flexible member and thus the handbag/purse to turn around in a horizontal plane.

As to claims 15-16, the purse engagement member (8) of Omura as modified is also a rigid loop, a single continuous loop (when the engagement member is closed).

As to claims 17-18, wherein the rigid loop is a formed from a movable loop member (8) movably engaged to a primary loop member (the remained loop) wherein, when the movable loop member is in a first position, the rigid loop is a closed loop, and when the movable loop member is in a second position, the rigid loop is an open loop; and wherein the movable loop member is movably engaged to the primary loop member through a pivot (hinge member, no numeral)

As to claim 23, which recites the flexible member as being at least one inch long, which also appears to read on Omura. Nevertheless, it would have been an obvious matter of design choice for one of ordinary skill in the art to dimension the flexible member to be at least one inch long producing no new and unexpected results.

As to claims 24-25, Claims 24-25 recited limitations similar to those recited in claims 15-17, which also read on Lurie as modified.

AS to claims 37-38, claims 37-38 recited limitations similar to claims 1 and 22, except that the central extension in this case is element 20.

As to claim 39, Lurie et al as modified also teaches at least one bend (at 22 for example) within the rigid arm, which comprises a large progressive curve.

As to claim 41, Lurie et al as modified also teaches the horizontal extension of the rigid arm is swivelably coupled to the rigid interface member (12, 18) while rigidly fixed along a horizontal line relative to the rigid interface member.

Claims 12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie et al. in view of Omura and further in view of US Pub. No.2004/0195484 to Sheeran.

Lurie et al. in view of Omura teaches substantially as claimed except that is not provided with a lengthening means for altering the length of the vertical extension wherein the lengthening means comprises a turnbuckle.

Sheeran teaches such concept. Sheeran teaches a vertical extension of the rigid arm having a lengthening means for altering or adjusting a length of the vertical extension (Fig. 6c, for example) wherein the lengthening means is in the alternative form of a turnbuckle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a lengthening means as in Sheeran on the vertical

extension of Lurie et al as modified so as to provide the vertical arm, which can be rotated, adjusted or extended in length in order to allow the hanger to be positioned on a wider variety of surfaces having varying degrees of thickness. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vertical extension adjustable since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

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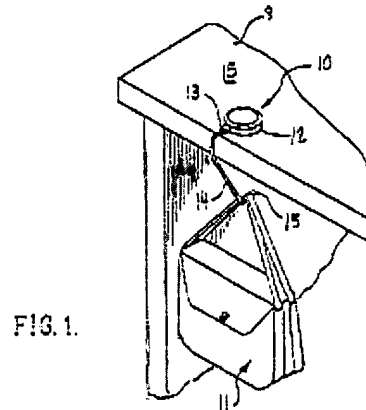


FIG. 1.

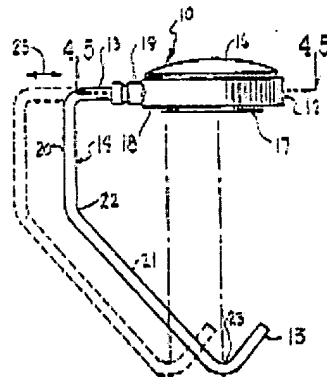


FIG. 2.

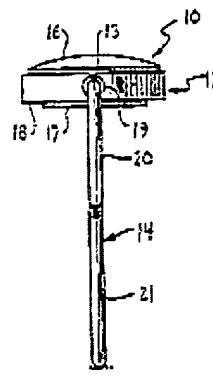


FIG. 3.



***Allowable Subject Matter***

Claims 21 and 26 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 10/11/07 have been fully considered but they are not persuasive.

The crux of the arguments are: "neither Lurie nor Omura disclose or suggest "the central extension curves downward to form the distal segment that extends vertically downward" and "neither Lurie or Omura disclose or suggest an apparatus wherein the distal ends is, or even can be positioned vertically beneath the planar interface area." (page 10) This is not deemed to be persuasive. As stated in the rejection above, Lurie teaches the central extension curve (between elements 13 and 20) and the distal segment 20 that extends vertically downward. Lurie also teaches the distal end 22, 21, 23, 25 and the distal end positioned vertically (at point 23) beneath the planar interface area.

Regarding Applicant's argument with respect to claims 12 and 27-28 which have been rejected under 103(a) as being unpatentable over Lurie in view of Omura and further in view of Sheeran.

Applicant's argument appears to be attacking individual reference while the rejection is based on the combination. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

In the instant case, Omura teaches a flexible member coupled to the securement member. The combination of Lurie and Omura would have suggested the subject matter of independent claims 1, 22 and 37. Nevertheless, assuming an argument that even if Lurie does not teach a securement member, but Omura teaches a securement member, the combined teachings of Lurie with Omura still render the claims obvious. In addition, Sheeran has applied for the teaching of providing a lengthening means to make the vertical extension adjustable. The combination of Lurie and Omura and Sheeran would have suggest the subject matter of claims 12, 27 and 28. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vertical extension adjustable since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. The rejection of these claims is therefore also maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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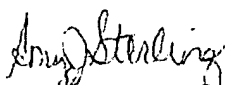
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. .


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
AMY J. STERLING  
PRIMARY EXAMINER  
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Tan le   
January 3, 2008.